

AN ORDINANCE 100191

**AMENDING ORDINANCE NO. 98203 AND SECTION 21-22 OF THE CITY CODE REGULATING ADULT ARCADES; SPECIFYING INDIVIDUALS RESPONSIBLE FOR COMPLYING WITH THE PROVISIONS OF THE ORDINANCE; AND PROVIDING A PENALTY FOR VIOLATION HEREOF IN THE AMOUNT OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN TWO THOUSAND DOLLARS.**

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**WHEREAS**, the City Council of the City of San Antonio passed Ordinance No. 98203 on September 25, 2003 adopting and amending Section 21-22 of the City Code, regulating adult arcades; and

**WHEREAS**, the City Council finds that it has a governmental interest in protecting the general welfare, health, safety, and order of the citizens of the City and that it is necessary in order to protect these interests that Ordinance No. 98203 and Section 21-22 of the City Code be amended; and

**WHEREAS**, the City Council finds that prostitution, violent crimes, and crimes against persons, promotion of prostitution, indecent exposure, lewd conduct, illegal drug possession, and illegal drug dealing occur with greater frequency at or near adult arcades; and

**WHEREAS**, the City Council finds that the managers and owners of adult arcades in the City have repeatedly failed or have demonstrated inability to ensure that prostitution, violent crimes, and crimes against persons, indecent exposure, lewd conduct, illegal drug possession, and illegal drug dealing do not occur at or near said arcades; and

**WHEREAS**, the City Council finds that managers and owners of the aforementioned arcades have repeatedly failed to monitor or have demonstrated inability to monitor the patrons of said arcades and have allowed patrons to engage in illegal activity while on the premises of said arcades; and

**WHEREAS**, the City Council finds that for the safety of law enforcement and patrons, the interiors of adult arcades should be easily accessible to law enforcement officers who are performing lawful investigations on said premises; and

**WHEREAS**, the City Council finds that the interiors of arcades should be arranged and constructed in such a fashion so as to provide owners, managers and law enforcement a clear and unobstructed view of the actions of all patrons and employees, or alternatively, a clear view by video monitoring,

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so as to discourage unlawful or illegal conduct; and

**WHEREAS**, the City Council finds there are adverse secondary effects resulting from the presence of adult arcades; and

**WHEREAS**, the City Council finds that adult arcades allowing patrons to engage in sexual activity on the premises pose public health risks due to unsanitary disposition of bodily secretions thereby posing a threat of spreading infection or disease; and

**WHEREAS**, the City Council finds adult arcades serve as an attractive nuisance to minors; and

**WHEREAS**, the City Council finds it has a governmental interest in protecting minors from exposure to adult arcades; and

**WHEREAS**, the City Council finds that various municipalities and counties situated outside its jurisdiction have experienced similar adverse secondary effects resulting from adult arcades, including, but not limited to findings from:

- the City of Phoenix, Arizona,
- the City of Tucson, Arizona,
- the City of Garden Grove, California,
- the City of Los Angeles, California,
- the City of Whittier, California,
- Adams County, Colorado,
- Manatee County, Florida,
- the City of Indianapolis, Indiana,
- the City of Minneapolis, Minnesota,
- the City of Saint Paul, Minnesota,
- the City of Las Vegas, Nevada,
- the City of Ellicottville, New York,
- the City of Islip, New York,
- the City of New York, New York,
- New Hanover County, North Carolina,
- the City of Cleveland, Ohio,
- the City of Oklahoma City, Oklahoma,
- Hamilton County Tennessee,
- the City of Amarillo, Texas,
- the City of Austin, Texas,
- the City of Beaumont, Texas,
- the City of Cleburne, Texas,
- the City of El Paso, Texas,
- the City of Houston, Texas,

the City of Newport News, Virginia,  
the City of Bellevue, Washington,  
the City of Des Moines, Washington; and

**WHEREAS**, the City Council finds that similar adverse secondary effects have impacted cities as incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Renton v. Playtime Theaters*, 475 U.S. 41, 48 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *United States v. O'Brien*, 391 U.S. 367, 377 (1968); *N.W. Enterprises Incorporated v. City of Houston*, 352 F.3d 162 (5<sup>th</sup> Cir. 2003); *N.W. Enterprises Incorporated v. City of Houston*, 372 F.3d 333 (5<sup>th</sup> Cir. 2004); and related cases; and

**WHEREAS**, the City Council finds that sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide booths or cubicles for viewing films, videos, or live sex shows. See, e.g., *California v. La Rue*, 409 U.S. 109, 111 (1972); and

**WHEREAS**, the City Council finds persons frequent certain adult theaters and adult arcades for the purpose of engaging in sex within the premises of such businesses. See, e.g. *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 698 (1986); and

**WHEREAS**, the City Council finds at least fifty communicable diseases may be spread by activities occurring in these booths or cubicles, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. See, e.g., Study of Fort Meyers, Florida; and

**WHEREAS**, the City Council finds that it does not intend the closure of businesses that are engaged in conveying erotic messages through videos shown in adult arcades; and

**WHEREAS**, the City Council finds that it does not intend to prohibit any speech activities protected by the First Amendment of the United States Constitution, but it does intend to enact a content-neutral ordinance to address the adverse secondary effects resulting from the presence of adult arcades;

**WHEREAS**, the City Council finds that it is in the general welfare and best interest of the citizens that it make distinctions in regulation between adult arcades and other establishments where patrons view videos in-house due to the greater health risks posed by the unsanitary disposition of bodily secretions associated with viewing of these videos in small unsupervised rooms;

**WHEREAS**, the City Council finds that the authority to promulgate these regulations includes Article XI, Section 5 of the Texas Constitution; Subchapter E of Chapter 51 of the Texas Local Government Code; Chapter 54 of the Texas Local Government Code; Chapter 243 of the Texas

Local Government Code; and the City Charter; and

**WHEREAS**, the City Council finds that a copy of the studies performed in the municipalities and counties referred to herein, copies of the cases and statutes referred to herein, along with pertinent affidavits, presentations made to Council, statistical crime analysis for the City of San Antonio and other materials related to this ordinance are on file in the City Clerk's Office; and

**WHEREAS**, the City Council finds the interests expressed above are substantial governmental concerns and the following regulations substantially advance these interests and are narrowly tailored to address the secondary effects and health issues stated; and

**WHEREAS**, the City Council finds the removal of doors on adult arcade booths and rooms or video monitoring of the booths and rooms and requiring sufficient lighting on the premises of adult arcades advances the substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in these establishments;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

SECTION 1. Ordinance No. 98203, passed on September 25, 2003, and Section 21-22 of the City Code shall be amended to read as indicated:

Sec. 21-22. Adult arcades.

(A) **Definitions.** As used in this section, the following words shall have the meanings herein ascribed, unless the context of their use clearly indicates another meaning:

(1) *Adult Arcade* shall mean any "premises" to which members of the public or members of any club, group or association are admitted and permitted to use one or more arcade devices.

(2) *Adult Arcade Permit* The term "Adult Arcade Permit" shall mean the original license issued to a duly authorized agent of an owner or operator of an Adult Arcade as lawful authority to operate an Adult Arcade.

(3) *Arcade Device* shall mean any coin, currency or slug operated or electronically or mechanically controlled machine or device that dispenses or effectuates the dispensing of "entertainment" featuring specified sexual activities or specified anatomical areas in exchange for payment of any consideration in a viewing room or space of less than one hundred fifty (150) square feet of floor space.

(4) *Duly Authorized Agent* shall mean an individual who has actual authority to file an application with the Chief of Police for an Adult Arcade Permit on behalf of any association, corporation, individual, owner, operator, or person and who meets the requirements set forth in Section (J) below.

(5) *Employee* shall mean any person employed by an employer in consideration for monetary compensation or profit.

(6) *Entertainment* shall mean: any live exhibition, display or performance; any still picture(s) or movie picture(s), whether mechanically, electrically or electronically displayed; or any combination of the foregoing, in which specified sexual activities are depicted.

(7) *Hearing Officer.* The term "Hearing Officer" shall mean the judge of the City of San Antonio Municipal Court assigned to preside over environmental and code enforcement matters. If that judge is unable to fulfill this task for any reason, or if no judge is so assigned, then the Presiding Municipal Court Judge shall designate a judge to act as the Hearing Officer. The "Hearing Officer" shall exercise those powers authorized under the Texas Local Government Code, the Charter of the City of San Antonio, and the Municipal Code of the City of San Antonio, as appropriate in the furtherance of his or her duties.

(8) *Individual* shall mean only a natural person.

(9) *Manager* The term "manager" shall mean any individual holding a position in a Adult Arcade with the responsibility for direct supervision of the operation of the Adult Arcade and for monitoring and observing the areas of the Adult Arcade to which customers or patrons are admitted at times during which the Adult Arcade is open for business; or, at times during which customers or patrons are on the premises of the Adult Arcade.

(10) *Manager's Permit* The term "Manager's Permit" shall mean a license issued to an individual as lawful authority to act as a Manager of an Adult Arcade.

(11) *Operator* shall mean the "individual" who is principally in charge of the management of the "adult arcade."

(12) *Owner* shall include, but not be limited to, any equitable owner, any person having a possessory right to the land or building or the person occupying it, any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety.

(13) *Premises* shall mean a building; provided that if a building has been physically divided into separate units that each has its own individual means of ingress or egress to the exterior of the building and which are offered by lease or otherwise for separate use and control, then

"premises" shall refer to each such separate unit.

(14) *Specified sexual activities* or *specified anatomical areas* shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttock or female breast, or any combination thereof.

**(B) Permits Required.**

- (1) It shall be unlawful for an individual, person, corporation, operator, owner, or association to operate an Adult Arcade within the City of San Antonio, unless the Chief of Police has issued an Adult Arcade Permit to the Adult Arcade's duly authorized agent.
- (2) It shall be unlawful for an individual to act as a manager of an Adult Arcade, unless the Chief of Police has issued a Manager's Permit to said individual.
- (3) The Adult Arcade Permit will be issued to the duly authorized agent, but will be issued in the name of the Adult Arcade and will be specific for that location only.

**(C) Process for Requesting a Permit.**

- (1) The Chief of Police shall create a form for each type of permit consistent with the provisions of this Article.
- (2) An applicant may obtain a form during any business day at the San Antonio Police Headquarters. The Chief of Police shall accept applications for filing Monday through Friday, excluding holidays, between the hours of 9:00 a.m. and 3:00 p.m. at the San Antonio Police Headquarters. Applications shall not be accepted at any other time or on any other day.
- (3) At the time that the Chief of Police receives an application, the applicant shall submit and the Chief of Police shall take the photograph of the applicant at the San Antonio Police Headquarters.
- (4) All photographs shall be used to perform a Background Investigation and for the purpose of photographic identification of permit holders, and shall be kept on record with the Chief of Police while the applicant possesses a valid permit, and for a period of not less than five years after the expiration, revocation, or denial of the permit.
- (5) All photographs of applicants shall be destroyed at the expiration of five years after the expiration, revocation, or denial of the permit, but all applicants submitting new

applications shall be required to comply with photograph and fingerprint requirements in this Section.

- (6) All applicants shall submit to a criminal background check for the purpose of verifying the information requested in Sections (I) and (J).

**(D) Use of a Permit.**

- (1) A permit issued under the provisions of this Article is not a property interest but shall be a purely personal privilege that is subject to revocation or suspension if the respondent is found to have violated a provision of this Article.
- (2) By authority of this Article, by accepting a permit, the holder of the permit consents that the Chief of Police or a peace officer may detain the individual on the premises of an Adult Arcade for the purpose of verifying identity and permit.
- (3) Any owner or operator that enjoys the benefit of an Adult Arcade Permit or has accepted a permit through a duly authorized agent consents, by authority of this Article, that the Chief of Police or peace officer may enter the premises of the Adult Arcade at any time an owner, operator, manager, floor-manager, employee, customer or patron is on the premises to conduct an investigation or inspect the premises for the purpose of performing any duty imposed by this Article.
- (4) All peace officers shall have the duty to enforce the provisions of this Article and cooperate with the Chief of Police in the enforcement hereof.
- (5) It shall be unlawful for an individual to use the permit of another. It shall be unlawful for an individual holding a permit to transfer that permit for use by another individual. Permits are valid for one Adult Arcade only and may not be transferred, to any other establishment or location.

**(E) Amendment.**

- (1) An applicant or permit holder shall file an application amendment with the Chief of Police any time a prior statement contained on an application is known to the applicant to be materially incomplete or inaccurate because of changed circumstances.
- (2) An applicant or permit holder shall file an application amendment with the Chief of Police any time a prior statement contained on an application is known to the applicant to be materially incomplete or inaccurate because the statement was incomplete or inaccurate at the time of filing.

- (3) The time in which to file an application amendment is:
  - (a) thirty (30) calendar days from the date of changed circumstances; or,
  - (b) thirty (30) calendar days from the date that applicant knows that a prior statement was incomplete or inaccurate.
- (4) It shall be unlawful for an applicant or permit holder to fail to comply with this section.

**(F) Non-refundable Fees.**

All fees required in this Article are non-refundable. Payment of the fees shall be by cashier's check or money order and made payable to the City of San Antonio.

**(G) Authority to File Suit.**

The City Attorney is authorized, at his discretion, in addition to or in lieu of any other remedies set forth in this Article, or under any other applicable state statute, to commence an action to enjoin the violation of this Article or to enjoin any person, corporation, or association from establishing, operating, or maintaining a public place or Adult Arcade contrary to the provisions herein, or in any other statute or doctrine.

**(H) Types of Permits, Calculation of Deadlines, Time and Delivery.**

- (1) The Chief of Police shall issue the permits to an applicant who qualifies under the provisions of this Article by 2:00 p.m. on the thirtieth (30<sup>th</sup>) business day after receipt of an application;
- (2) The Chief of Police shall issue a Notice of Rejection to an applicant who fails to qualify under the provisions of this Article by 2:00 p.m. on the thirtieth (30<sup>th</sup>) business day after receipt of an application;
- (3) Unless the applicant requests in writing and at the time of filing an application that the permit or Notice of Rejection be kept at the San Antonio Police Headquarters for personal retrieval, the Chief of Police shall send the permit or Notice of Rejection to the applicant's address, as listed in the application, via United States Postal Service, Certified Mail, Return Receipt Requested, deposited with United States Postal Service and postmarked on or before 2:15 p.m. on the final day allowed in Section (H)(2).
- (4) If personal retrieval was properly requested for a permit or Notice of Rejection, the



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Chief of Police shall have the permit or Notice of Rejection available for pick up from the time of its issuance until 4:00 p.m. on the on the final day allowed in Section (H)(2). If the applicant fails to retrieve either the permit or Notice of Rejection by 4:00 p.m., the Chief of Police shall then send the permit or the Notice of Rejection to the applicant's address, as listed in the application. The means of sending the permit or Notice of Rejection shall be via the United States Postal Service, Certified Mail, Return Receipt Requested. The mail shall be deposited with the United States Postal Service not later than 4:30 p.m. on the final day allowed in Section (H)(2).

(5) When determining a date upon which a deadline exists in this Article, calculate the specified number of days as follows:

(a) The day the act or event was performed or scheduled to occur after which the designated period of time begins to run is not to be included. The designated period of time begins on the next day.

(b) The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday.

(6) Unless otherwise stated in this Article, where delivery of any notice to applicant is required, delivery shall be by personal delivery at the applicant's address, as listed in the application, or by sending it to the applicant's address, as listed in the application, via the United State Postal Service, Certified Mail, Return Receipt Requested.

(7) Unless otherwise stated in this Article, delivery by the United States Postal Service shall be presumed to be on the third (3<sup>rd</sup>) business day after depositing the mail with the United States Postal Service, unless the applicant has proof to the contrary.

(8) In this Article, the last known address of an applicant, contained in an application or an amendment, is presumed as the correct address. Whenever delivery to an address is authorized or mandated under the provisions of this Article, delivery to the presumed correct address is sufficient to comply under this Article.

(9) Personal delivery or delivery by mail as prescribed in this Article, shall be prima facie evidence that the Chief of Police has fulfilled his duty to deliver a permit, Notice of Rejection, Notice of Intention to Revoke/Suspend Permit, Notice of Revocation/Suspension, or Denial of Revocation/Suspension.

(10) The Chief of Police shall issue the requested permit if the Chief of Police fails to deliver Notice of Rejection and does not have prima facie proof of the delivery or deposit, and if the applicant files a written request for issuance of the permit not later than 2:00 o'clock P.M. on the tenth (10<sup>th</sup>) business day following the deadline to issue a permit or notice. If the applicant fails to

timely file a request for the permit upon the failure of the Chief of Police to issue the notice, then the applicant shall waive any appeal or cause of action that he may have herein.

(11) The deadlines imposed by this Article may be extended by the mutual agreement of the Chief of Police and the pertinent individual, except as follows:

- (a) The Chief of Police shall not agree to shorten any deadline;
- (b) The Chief of Police shall not agree to extend any deadline wherein there is an express provision in this Article that a failure to comply with the deadline shall result in an applicant's waiver of appeal or cause of action; or,
- (c) As otherwise prohibited within this Article.

**(I) Qualifications and Specifications: Manager's Permit.**

- (1) Unless an individual is disqualified under one or more of the provisions of this Article, an individual who performs the following acts shall be qualified for a Manager's Permit:
  - (a) pay a one hundred dollar (\$100.00) non-refundable processing fee to the City of San Antonio;
  - (b) answer under oath accurately and completely the requests for information contained on the form for the permit;
  - (c) provide proof of identity by presenting to the Chief of Police a valid and lawful photographic identification card that was issued to the individual by a governmental authority of the United States of America or any State, possession, commonwealth, or territory thereof; and
  - (d) appear at the place designated by the Chief of Police and submit to being photographed and fingerprinted by the Chief of Police. Fingerprints taken pursuant to this section shall be used for purposes of the background check.
- (2) If on the basis of substantial evidence, the Chief of Police concludes that one of the following conditions exists then an individual shall be disqualified from receiving the Manager's Permit:
  - (a) the individual is a sex offender as defined in Sec. 46.001 of the Texas Business and Commerce Code;
  - (b) the individual is convicted of a felony, not included in section (a), in any jurisdiction during the preceding ten (10) years;

- (c) the individual has been convicted of or been placed on deferred adjudication for a specified criminal act, not included in section (a), in any jurisdiction, during the preceding ten (10) years;
  - (d) the individual has submitted false information on a form for the permit or the individual has responded falsely to inquiries in a Background Investigation;
  - (e) at the time of application, the individual is disqualified from receiving or holding a permit pursuant to Section (M) or (N) of this Article; or
  - (f) at the time of application, the individual has a suspended permit or has had a permit revoked within the past calendar year, pursuant to Section (M) of this Article.
- (3) An individual who applies for a Manager's Permit shall provide the following information:
- (a) The information contained in a valid and lawful photographic identification card that was issued to the individual by a governmental authority of the United States of America or any State, possession, commonwealth, or territory thereof;
  - (b) the name and address of the Adult Arcade for which the individual requests the permit;
  - (c) whether the individual has been convicted of or placed on deferred adjudication for an offense for which the individual is subject to registration under Chapter 62, Texas Code of Criminal Procedure, along with a list of each of the aforementioned offenses;
  - (d) a list of each misdemeanor, excluding traffic offenses, or felony, not included in Section (I)(3)(c) above, for which the individual has been convicted or received deferred adjudication during the past ten (10) years;
  - (e) a list of each misdemeanor, excluding traffic offenses, or felony, not included in Section (I)(3)(c) above, for which the individual is under community supervision at the time of application;
  - (f) the name and address of each court and jurisdiction listed in response to Section (I)(3)(c) herein;

- (g) the name and address of each court and jurisdiction for those offenses that the individual is under community supervision at the time of application in response to Section (I)(3)(d); and
  - (h) a signed waiver and authorization allowing the Chief of Police to request criminal history reports from pertinent federal, state, and local law enforcement for the individual submitting an application.
- (4) A Manager's Permit shall consist of one (1) photographic identification card that contains the following information: a photograph of the manager; the name and address of the Adult Arcade at which the Manager's Permit is valid; the full name of the manager; the date of issuance; the effective date; and, the date of expiration.

**(J) Qualification and Specifications: An Adult Arcade Permit.**

- (1) It shall be unlawful to apply for an Adult Arcade Permit, unless the individual who applies is a duly authorized agent and files an accurate and complete sworn affidavit at the time of filing the application in which the individual declares:
- (a) The individual's identity;
  - (b) The identity of the association, corporation, individual, owner, operator, or person on whose behalf the individual seeks an Adult Arcade Permit;
  - (c) The identity of the Adult Arcade;
  - (d) The identity of each association, corporation, individual, owner, operator or person with an ownership interest in the Adult Arcade;
  - (e) The basis for the actual authority as being one of the following:
    - (i) the individual is the sole owner or operator;
    - (ii) the individual is the president, chief executive officer, or equivalent of a corporation that is an owner or operator and the individual also owns a majority of the issued voting stock for the corporation;
    - (iv) the individual is the president, chief executive officer, or equivalent of a corporation that is an owner or operator and the individual attaches a corporate resolution from the corporation's Board of Directors or from a majority of the corporation's voting stockholders wherein is authorized the application for the permit;
    - (v) the individual is a general partner of a partnership that is an owner or

- operator; or,
    - (vi) the individual is a manager (as defined by the Texas Limited Liability company Act) of a Texas Limited Liability Company that is an owner or operator;
  - (f) State that all information is on the basis of personal knowledge; and,
  - (g) State that all information is true and correct and acknowledge that a false statement is subject to criminal penalty, including but not limited to charges of perjury.
- (2) Unless a duly authorized agent is disqualified under one or more provisions of this Article, an agent who performs the following acts shall be qualified to receive on behalf of an owner or operator an Adult Arcade Permit:
  - (a) the duly authorized agent pays a three hundred and seventy five dollars (\$375.00) nonrefundable processing fee to the City of San Antonio;
  - (b) the duly authorized agent submits a diagram;
  - (c) allows an inspection of the premises as directed in Section (L) herein; and,
  - (d) the duly authorized agent performs those acts detailed at Section (I), if the duly authorized agent is also applying for a Manager's Permit.
- (3) If on the basis of substantial evidence, the Chief of Police concludes that one or more of the following conditions exists then a duly authorized agent shall be disqualified from receiving an Adult Arcade Permit for the Adult Arcade for which the permit is sought:
  - (a) if any owner or operator of the Adult Arcade is a sex offender as defined by Section 46.001 of the Texas Business and Commerce Code;
  - (b) if any owner or operator of the Adult Arcade is convicted of a felony in any jurisdiction in the past ten (10) years;
  - (c) if any owner or operator of the Adult Arcade has been convicted of or received deferred adjudication for a specified criminal act in any jurisdiction in the past ten (10) years;
  - (d) if the duly authorized agent, owner, or operator of the Adult Arcade has refused to allow an inspection of the premises of the Adult Arcade by at least

three (3) business days prior to a deadline to issue a permit or Notice of Rejection;

- (e) if the duly authorized agent, owner, or operator of the Adult Arcade has failed to submit to the Department of Development Services a diagram by at least ten (10) business days prior to the deadline to issue a permit or Notice of Rejection;
- (f) if the duly authorized agent or any individual, owner, or operator of the Adult Arcade has submitted false or incomplete information on an application form for the permit or has falsely responded to inquiries in a Background Investigation;
- (g) if the duly authorized agent or any owner or operator of the Adult Arcade has previously had an Adult Arcade Permits revoked pursuant to Section (M);
- (h) if the duly authorized agent or any owner or operator of the Adult Arcade has an Adult Arcade Permit that is currently suspended pursuant to Section (M);
- (i) if the Adult Arcade fails to conform to the configuration requirements set forth in Section (P) of this Article; or
- (j) if the duly authorized agent or any owner or operator of the Adult Arcade has had an Adult Arcade permit revoked within the preceding year or is otherwise disqualified from receiving or holding a permit pursuant to Section (M) or (N) of this Article.

**(K) Ratification and Term of Permits.**

- (1) The City Council accepts, ratifies, and endorses the following acts of the Chief of Police:
  - (a) all acts performed by the Chief of Police between the date of this Article's passage and the effective date of this Article so long as the acts are consistent with the duties, powers, and provisions of this Article;
  - (b) all permits issued by the Chief of Police between the date of this Article's passage and the effective date of this Article so long as the permits contain the following: the actual date of issuance, an effective date of permit that coincides with the effective date of this Article; and, an expiration date of permit that is one (1) calendar year from the effective date of permit.

- (2) Each Adult Arcade Permit and Manager's Permit issued shall be valid for a period of one (1) calendar year from the date of issuance, unless otherwise stated in this article, at which time it shall expire, unless the permit is sooner revoked or surrendered.
- (3) Each Adult Arcade Permit and Manager's Permit shall be subject to renewal as of its expiration date by filing a renewal application.
- (4) Each renewal application must be filed at least forty-five (45) calendar days prior to the date of expiration.
- (5) Except as expressly indicated herein, all of the deadlines, fees, and procedures applicable to any application and permit shall also be applicable to each renewal application and renewal permit.
- (6) The Chief of Police shall not require another photograph for a renewal application unless he cannot verify the identity of the applicant who filed a renewal application; or, unless the applicant filing a renewal application is different from the individual who filed the original application.

**(L) Inspections and Background Checks; Deadlines.**

- (1) The Chief of Police shall conduct all necessary Background Investigations prior to the expiration of thirty (30) calendar days from the receipt of an application for an Adult Arcade Permit or Manager's Permit for the purpose of determining whether each applicant is in compliance with the provisions of this Article, and based upon those findings, the Chief of Police shall either issue or reject the permit in accordance with the deadlines found in Section (H).
- (2) The Chief of Police, the Director of the Department of Development Services, or their designated representatives, and any other pertinent City Department or the department's designated representatives, shall complete all inspections required for an application prior to the expiration of thirty (30) calendar days from receipt of the application for an Adult Arcade Permit or Manager's Permit, and based upon those findings, the Chief of Police shall either issue or reject the permit in accordance with the deadlines found in Section (H).
- (3) If an application is rejected based on an inspection of the premises only, the Chief of Police shall provide to the duly authorized agent a Notice of Rejection within ten (10) business days following the deadline to issue a permit or notice.
- (4) An applicant may request a re-inspection only if the duly authorized agent:

- (a) submits the request, by certified mail, return receipt requested, within ten (10) business days subsequent to the receipt of the decision of the Chief of Police; and
    - (b) pays to the City of San Antonio a nonrefundable inspection fee of one hundred and fifty dollars (\$150.00) with the submission of the request.
  - (5) The Chief of Police, the Director of the Department of Development Services, or their designated representatives, and any other pertinent City Department or the department's designated representatives, shall complete a re-inspection and either issue or reject a permit based upon a request for re-inspection not more than fifteen (15) business days from the date of receipt of the request for re-inspection. If upon re-inspection the Chief of Police concludes the noted problems have not been remedied, the Chief of Police shall issue a Notice of Rejection and notify applicant in accordance with Section (H).
  - (6) Notwithstanding the provisions of this Section, an applicant whose application is rejected under the provisions of this Article may petition to any lawfully established court having jurisdiction on the subject matter without first applying for a re-inspection.
- (M) **Procedure for Administrative Hearings; Revocation or Suspension of Permits.**
- (1) Standing
    - (a) Regarding a Manager's Permit, only the permit holder/applicant and the Chief of Police shall have standing in an administrative revocation/suspension proceeding or in any appeal of a denial, revocation or suspension.
    - (b) Regarding an Adult Arcade Permit, the owner and/or operator of the establishment and the Chief of Police have standing in an administrative revocation/suspension proceeding or any appeal of a denial, revocation or suspension.
  - (2) Conditions Resulting in Revocation/suspension of Adult Arcade Permit -
    - (a) An Adult Arcade Permit shall be subject to revocation if, after the issuance of the initial permit:
      - (i) any permit holder of the Adult Arcade Permit is convicted of a felony or specified criminal act;



- (ii) any material information on the permit application which would likely have resulted in a denial of the permit is found to have been false when submitted; or
    - (iii) an individual or entity not listed on the permit application becomes a duly authorized agent, owner or operator of the Adult Arcade and such agent, owner or operator would have caused a disqualification if listed on the original permit application.
  - (b) An Adult Arcade Permit shall be subject to revocation/suspension if, after the issuance of the initial permit, one or more employees of the Adult Arcade have a cumulative total among them of three (3) or more convictions for felonies or specified criminal acts where the acts that lead to the convictions occurred on the licensed premises within a consecutive twelve (12) month period.
  - (c) An Adult Arcade Permit shall be subject to revocation/suspension if, after the issuance of the initial permit, any employees of that establishment have a cumulative total among them of three (3) or more convictions or deferred adjudications for any violations of this Article wherein the violations that lead thereto have all occurred on the licensed premises on at least three separate calendar dates within a consecutive six (6) month period:
- (3) Conditions Resulting in Revocation/suspension of Manager's Permit -
- (a) A Manager's Permit shall be subject to revocation if, after the issuance of the initial permit, the permit holder is convicted of a felony or specified criminal act.
  - (b) A Manager's Permit shall be subject to revocation/suspension if, after the issuance of the initial permit, the permit holder has a cumulative total of three (3) or more convictions or deferred adjudications in the name of the permit holder for any violations of this Article wherein the violations occurred on at least three separate calendar dates within a consecutive twelve (12) month period:
- (4) Notice of Intention to Revoke/Suspend Permit - If, on the basis of information and belief, the Chief of Police concludes that any permit issued under this Article is subject to revocation or suspension because of the existence of any of the conditions set forth in Sections (M) (2) and/or (M)(3) above, the Chief of Police shall initiate a revocation/suspension proceeding by sending a Notice of Intention to

Revoke/Suspend Permit to the permit holder which shall detail the following:

- (a) the factual basis for the intention to revoke/suspend the permit;
- (b) the provisions of this Article alleged to be violated;
- (c) the calendar date by which any request for contested case hearing is due; and
- (d) the person or office with which any request for contested case hearing must be filed and the address at which any such request must be filed.

The Notice of Intention to Revoke/Suspend Permit shall be sent to the permit holder via personal delivery or sent to the permit holder's last known address via United States ("U.S.") Postal Service, Certified Mail, Return Receipt Requested, and a copy shall be filed with the Hearing Officer or his designee for this purpose.

- (5) Request for Contested Hearing Required Within 10 Business Days - The permit holder shall have ten (10) business days from the date of receipt of a Notice of Intention to Revoke/Suspend Permit in which to file a request for a contested case hearing with the person or office indicated on the Notice of Intention to Revoke/Suspend Permit. The request shall be filed via U. S. Postal Service, Certified Mail, Return Receipt Requested, or via personal delivery. A copy of the request shall be sent on the same date to the Chief of Police via U. S. Postal Service, Certified Mail, Return Receipt Requested, or via personal delivery. If filed by mail, the request shall be considered timely filed if the green return receipt card shows the item was properly addressed and received by the addressee on or before the tenth business day from the date the permit holder received the Notice of Intention to Revoke/Suspend Permit. If filed by delivery, the permit holder shall be responsible for obtaining a copy of the request stamped with the date of filing by the person or office receiving the request.
- (6) Hearing Within 20 Business Days of Request - Upon proper request as set forth above, and except in the case of a continuance granted in accordance with the requirements of this Article, each party with standing to contest is entitled to an opportunity to respond and to present evidence and argument on each allegation in the Notice of Intention to Revoke/Suspend Permit at a hearing to be held within 20 business days after the date of filing of their request as shown by the date of filing stamped on the request.
- (7) Result of Request or Failure to Request Hearing - If no request for contested case hearing is timely filed, the Hearing Officer shall revoke the permit in question and issue a Notice of Revocation. If a request for contested case hearing is timely filed,

the Hearing Officer shall conduct a contested case hearing in accordance with the provisions of this Article.

- (8) Notice of Hearing Not Less Than 10 Business Days from Hearing Date - Notice of a hearing in a contested case shall be sent or delivered to the person requesting a hearing not less than 10 business days from the date of the hearing; shall include a statement of the time, place, and nature of the hearing; and shall be sent via personal delivery or U. S. Postal Service, Certified Mail, Return Receipt Requested to the last known address of the person. Notice of a hearing in a contested case shall be considered timely if properly addressed and postmarked not less than 10 business days from the date of the hearing and received not less than seven business days from the date of the hearing as evidenced by the delivery date noted on the green return receipt card.
- (9) Representation by Counsel - Each party to a contested case is entitled to:
  - (a) the assistance of counsel, at the party's expense, before the hearing officer; or
  - (b) expressly waive the right to assistance of counsel in writing or on the record before the hearing officer.
- (10) Status of Permit During Hearing - While a contested case is pending, and prior to the final decision of the Hearing Officer regarding revocation or suspension, a permit remains valid unless:
  - (a) it expires without timely application for renewal;
  - (b) it is voluntarily withdrawn or surrendered by the permit holder; or
  - (c) the permit holder commits an act or omission contrary to the provisions of this Article which otherwise invalidates the permit.

This section shall not apply during any judicial appeal following the decision of the Hearing Officer.
- (11) Applicable Rules - Except as otherwise indicated herein, the Texas Rules of Evidence and the Texas Rules of Civil Procedure shall apply to a contested case.
- (12) The following additional rules shall apply to any contested case hearing pursuant to this Article:
  - (a) In each contested case before the hearing officer, the City Attorney, or his designated representative shall represent the Chief of Police.

- (b) A contested case may not be continued, except upon express written agreement of all parties to the contested case, or upon showing of good cause for a period not to exceed twenty (20) days.
- (c) Ex parte communications in connection with any issue of fact or law between any party and the hearing officer are strictly prohibited, except on notice and opportunity for each party to participate.
- (d) In a contested case, either party may request a court reporter to transcribe the hearing. The party requesting a transcript of the hearing shall bear the cost for production of the transcript.
- (e) If there be any conflict between the Texas Rules of Evidence and the Texas Rules of Civil Procedure and the rules set forth in this Article, the rules in this Article shall prevail.

(13) Record - The record in a contested case shall include the following:

- (a) File Stamped Copy of Notice of Intention to Revoke/Suspend Permit;
- (b) the request for a hearing and any written response to the Notice of Intention to Revoke/Suspend Permit;
- (c) a statement of matters officially noticed;
- (d) questions and offers of proof, objections, and rulings on them;
- (e) each decision, opinion, or report prepared by the hearing officer at the hearing;
- (f) all documents, data and other evidence submitted to or considered by the hearing officer used in making his or her decision; and
- (g) the record shall be filed with the Municipal Court for the City of San Antonio.

(14) Decision of the Hearing Officer -

- (a) If on the basis of substantial evidence the hearing officer finds that any of the conditions set forth in Sections (M)(2)(a) or (M)(3)(a) above exist for the permit in question, the hearing officer shall revoke the permit.

- (b) If on the basis of substantial evidence the hearing officer finds that any of the conditions set forth in Sections (M)(2)(b), (M)(2)(c), or (M)(3)(b) above exist for the permit in question, and the permit holder has not had the permit suspended in the previous twelve (12) calendar months, the hearing officer shall suspend the permit for a period of sixty (60) calendar days.
- (c) If on the basis of substantial evidence the hearing officer finds that any of the conditions set forth in Sections (M)(2)(b), (M)(2)(c), or (M)(3)(b) above exist for the permit in question and the permit holder has had the permit suspended within the previous twelve (12) calendar months, the hearing officer shall revoke the permit.
- (d) If the hearing officer does not find the existence of any conditions for which the permit in question may be suspended or revoked under this Article, the hearing officer shall deny revocation or suspension.

**(N) Notice of Revocation/Suspension.**

- (1) A final decision or order by the Hearing Officer shall be issued in writing, and shall:
  - (a) include findings of fact and conclusions of law, separately stated;
  - (b) contain a concise and explicit statement of the underlying facts supporting the findings;
  - (c) if a party submits proposed findings of fact, the decision or order shall include a ruling on each proposed finding;
  - (d) be rendered not later than five (5) business days after the date on which the hearing is finally closed;
  - (e) be provided to all parties via personal delivery or via United States Postal Service, Certified Mail, Return Receipt Requested; and
  - (f) be considered timely if:
    - (i) for personal delivery, a party receives notice not later than three (3) business days from the date on which the decision is rendered; or
    - (ii) for postal delivery, the decision or order is postmarked not later than three (3) business days from the date on which the decision is rendered.

- (2) Following a final decision in a contested case, any revocation or suspension of the permit in question shall take effect upon the date of delivery of the notice of the Hearing Officer's decision or such other date as may be set by the Hearing Officer and stated in the notice.
- (3) Any act authorized by a permit shall be unauthorized and in violation of this Article upon and after the effective date of any suspension of the permit until the suspension expires.
- (4) Any act authorized by a permit shall be unauthorized and in violation of this Article upon and after the effective date of any revocation of the permit unless and until a new permit, if any, is applied for and granted pursuant to the terms of this Article. If a permit has been revoked because of crimes or activities occurring on the premises of an Adult Arcade, any and all permit holders of the Adult Arcade Permit which has been revoked are disqualified from receiving or holding any permit under this Article for a period of one (1) calendar year from the effective date of the revocation.
- (5) If an Adult Arcade permit is suspended or revoked because of crimes or activities occurring on the premises of the Adult Arcade, each and every individual, person, or association listed with the City as a duly authorized agent, owner, or operator of a Adult Arcade at the time of any suspension or revocation of the Adult Arcade Permit for that establishment shall be considered to have had an Adult Arcade permit suspended or revoked as if they held the permit in their own name for purposes of determining whether they are qualified to participate in another permit application under this Article. If an Adult Arcade permit is suspended or revoked because of crimes or activities of one or more of the permit holders which did not occur on the licensed premises, then only that individual(s) shall be considered to have had an Adult Arcade permit suspended or revoked for purposes of determining whether they are eligible to participate in another permit application under this Section 21-22.

**(O) Judicial Appeal.**

- (1) If a respondent is entitled to receive a permit under the provisions of Sections (I) or (J), and if after the applicant files a request for the permit pursuant to the provisions of Section (H)(10) the Chief of Police refuses or fails to issue the permit, then the respondent shall have thirty (30) calendar days from the expiration of the deadline in Section (H)(10) in which he may file suit for a writ of mandamus or other available remedy in a Judicial District Court of Bexar, County, Texas.
- (2) If an application is denied or a permit revoked or suspended, then:

- (a) a respondent shall have forty-five (45) calendar days from the date of receipt of Notice of Rejection or Notice of Revocation in which to file suit for writ of mandamus or other available remedy in a Judicial District Court of Bexar County, Texas; and
- (b) the respondent shall waive any appeal or cause of action if suit is not filed within the time specified herein.
- (c) Any appeal to State Court of this ordinance is entitled to preferential setting and to be set for trial at the earliest practicable date. Any appeal from the decision of the trial court shall be accelerated.

(P) **Configuration of arcades; lighting; etc.** The following minimum standards shall apply to the interior design of the premises of all adult arcades opening for business after the effective date of this section:

- (1) At least one (1) manager's station shall be located within the premises and such location shall provide an employee, operator, agent, or owner on duty, an unobstructed view of every area of the adult arcade to which any patron may be permitted access for any purpose, other than toilet facilities, from said manager's station. If an adult arcade has two (2) or more manager's stations, the interior design of the adult arcade shall be configured to provide an unobstructed view of each area of the adult arcade to which any patron may be permitted access for any purpose other than toilet facilities, from at least one of the manager's stations. The view required must be by direct line of sight from the manager's station. Restrooms may not contain any arcade device.
  - (a) It shall be the duty of the owners, operators, agents or employees of the adult arcade to ensure that the view area specified in this section remains, unobstructed by merchandise, display racks or other materials at all times that any patron is present in the adult arcade to ensure that no patron is permitted access to any area of the adult arcade which is not within this view area. At all times that any patron is present in the adult arcade, it shall be the duty of the owners, operators, agents or employees of each adult arcade to ensure that at least one person who is charged with responsibility for the operation of the adult arcade is on duty at the adult arcade and situated in the manager's station with the view area designated herein.
  - (b) It shall be an exception to the requirements of this section P(1) that the area of the adult arcade in question is being video monitored in accordance with Section (P)(2)(b) below.

(2) Video Monitoring Alternative:

(a) No adult arcade shall equip any areas into which patrons may be permitted access, other than toilet facilities, with interior doors, screens, curtains or any other opaque coverings which could obstruct the view into an area in which patrons may be permitted except as allowed under subsection (P)(2)(b) below. It shall be the duty of the owners, operators, agents, and employees of the adult arcade to ensure that each area into which patrons may be permitted access, other than toilet facilities, is not equipped with interior doors, screens, curtains, or any other opaque coverings which could obstruct the view into each area in which patrons may be permitted access except as allowed in section (P)(2)(b) below.

(b) As an alternative to subsection (P)(2)(a) above, a room in which a patron is allowed to view a video on the premises may be equipped with an interior door if the owners, operators, agents and employees of the adult arcade:

(i) maintain continuous videotape monitoring of each room in which a patron is located;

(ii) make the tapes of each of the videotaped rooms available to police officers upon request for immediate inspection during any hours during which the establishment is open for business;

(iii) keep and maintain the tapes of each videotaped room for review by law enforcement personnel without notice, for a period of two weeks;

(iv) maintain the configuration requirements and other requirements set forth in this Article.

- (3) During hours of operation, the light fixtures shall be kept on at a sufficient intensity to illuminate by not less than three (3.0) foot-candle as measured at four (4) feet above the level of the floor and at every area where customers or patrons are allowed. Lighting shall not be subject to intensity control by means of rheostat or other device, but shall be maintained at constant intensity in every area where customers or patrons are allowed. Light control, including on and off switches, shall be maintained at a central location by the manager, and shall not be accessible to customers or patrons. It shall be the duty of the owners, operators, agents or employees of the adult arcade to ensure that the illumination specified in this section is maintained at all times that any patron is present in the adult arcade or at all times the adult arcade is open for business.



- (4) Each adult arcade must comply with the following configuration requirements. Nothing herein shall allow the placement of interior doors except as allowed in Section (P)(2)(b) above.
- (a) Excepting a door that may serve as an entrance or exit to the building of the establishment for each area to which a customer or patron on the premises is allowed access, excepting the interior of lavatories: any interior door allowed herein must be made of clear glass that is no thicker than one-half (0.50) inch or of wood that is no thicker than one and a half (1.5) inches. All wooden doors must contain a clear glass window that is no thicker than one-half (0.50) inch and at least 12 inches wide by 12 inches high. The window must be situated on the door at a height no less than four and one half (4 1/2) feet and no greater than six (6) feet from the ground. The window may not be partially or fully covered in any manner. Excepting the doorknob, no interior door may be made of metal, reinforced by metal, or be thicker than allowed herein. The door to any interior room may only have one throw from the doorknob or in any other manner latch from more than one (1) place into a striker plate whenever the door is closed; and, excepting one lock that forms part of the doorknob and is neither a deadbolt nor chain, no interior door may have a dead bolt, chain, and/or any type of lock. The City must be provided with a master key to all interior doors in each establishment, which may be used by law enforcement personnel to open and inspect any room or rooms at any time without notice during operating hours.
  - (b) For each area to which a customer or patron is allowed access, excepting a doorframe that may serve as an entrance or exit to the establishment, each interior doorframe to a wooden door may not be reinforced with any type of metal, excepting a cubic area that is part of the striker plate in the dimensions of not more than: six (6.0) inches long by two (2.0) inches wide by six (6.0) inches high.
  - (c) Excepting conduits for plumbing, heating, air conditioning, ventilation, electrical service, or cable or satellite television, no opening is allowed in any wall; partition; screen; lavatory stall; or any other barrier between viewing areas or toilets.
  - (d) The conduits for plumbing, heating, air conditioning, ventilation, electrical service, and cable or satellite television must be so screened or otherwise configured to prevent their use as openings that would allow any portion of an individual to penetrate the wall or barrier between the viewing areas or toilets.

- (e) All interior walls of any areas into which patrons may be allowed access shall be continuous from floor to ceiling with no apertures, holes or other openings. It shall be the duty of the owners, operators, agents, or employees of the adult arcade to ensure that all interior walls of each area into which patrons may be allowed access is continuous from floor to ceiling with no apertures, holes or other openings.
- (5) It shall be the duty of the owners, operators, agents, or employees to ensure that each separate room or compartment of the adult arcade into which patrons may be allowed access will be prominently displayed to ordinary public view with signs as follows:
  - (a) A poster or sign containing an AIDS information telephone number and stating, "Stop AIDS avoid contact with sexual fluids and dirty needles."
  - (b) A poster or sign containing an AIDS information telephone number and stating, "AIDS is transmitted by sex without condoms or by sharing needles."
  - (c) Alternatively, a poster or sign with a similar message as approved in writing by the city health director may be displayed.
  - (d) In rooms in which video surveillance is being used, a sign notifying persons that video surveillance is being used in the rooms.
  - (e) A signs warning of activities which constitute criminal behavior in the rooms as approved by the Vice Department.
  - (d) Each sign required by this Section shall be in lettering not less than one-half (1 ½) inches in height unless otherwise approved by the health director.
  - (e) Signage shall be in both the English and Spanish languages.
- (6) Each adult arcade shall be required to prominently display in the entryway to the facility available to ordinary public view literature concerning sexually transmitted diseases and/or AIDS to be provided by the health department.
- (7) It shall be the duty of the owners, operators, agents, or employees to ensure that literature concerning sexually transmitted diseases and/or AIDS which is provided by the health department is permanently and conspicuously displayed to ordinary public view in the adult arcade and made available to the patrons of the arcade.

**(Q) Violations; other prohibited conduct; enforcement.**

- (1) A person having any duty under this Article commits an offense if he knowingly or recklessly fails to fulfill that duty or fails to comply with any provision of this section or with any of the requirements hereof.
- (2) It shall be unlawful for any owner, operator, agent, or employee present in an adult arcade to knowingly or recklessly allow more than one patron or client at a time to enter or occupy a room in which an arcade device is located. A sign shall be posted at the entryway of each such room which notifies patrons that only one patron at a time may enter or occupy this room.
- (3) It shall be unlawful for any owner, operator, agent, or employee present in an adult arcade to knowingly or recklessly allow or permit any of the specified sexual activities to occur in the adult arcade or for any owner, operator or employee to knowingly or recklessly allow or permit the adult arcade to be used as a place in which solicitation for any act of specified sexual activities occur.
- (4) In case any premises are erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this section, the city, in addition to imposing criminal sanctions provided therefore, may institute any appropriate action or proceeding, including an action for abatement of a nuisance under Texas Statute, or judicial proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, or to prevent such illegal act, conduct or use.
- (5) Any persons violating any provisions of this section shall be guilty of a misdemeanor. Each day upon which such a violation occurs constitutes a separate offense. Each structure erected around an arcade device that does not comply with the provisions of this section constitutes a separate violation. Upon conviction, each violation shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00).
- (6) Businesses currently operating as adult arcades shall come into compliance with the terms of this Article within ninety days of passage of this Article, except that those adult arcades which do not meet the configuration requirements of this Article shall have a one year amortization period to allow for recoupment of their investment in their expenditures on interior configuration during which they may operate under the configuration requirements of the City's previous ordinance. During the amortization period, all requirements of this Article which do not require reconfiguration of the structure of the adult arcade shall apply.

**SECTION 2.** The City Clerk of the City of San Antonio, Texas, is hereby directed to publish this

BQ/JD  
Item No. 61  
12/16/04

ordinance in a newspaper published in the City of San Antonio, Texas as authorized by the City Charter of the City of San Antonio.

**SECTION 3.** This Ordinance shall become effective ten (10) days after the date of passage. Adult Arcades that are in existence and operating at the time of the passage of this ordinance shall be allowed to continue their operations for a period of sixty (60) days after the effective date of this ordinance, provided that they file completed applications and pay the associated fees for a Adult Arcade Permit and all necessary Manager's Permits with the Chief of Police within thirty (30) after the effective date of this ordinance. Manager's shall be allowed to continue as employees of the Adult Arcades without a permit for a period of sixty (60) days after the effective date of this ordinance, provided that they file completed applications and pay the associated fees for a Manager's Permit with the Chief of Police within thirty (30) after the effective date of this ordinance.

**PASSED AND APPROVED** this 16<sup>th</sup> day of December, 2004.



**MAYOR**  
EDWARD D. GARZA

ATTEST: Leticia Y. Mee  
City Clerk

APPROVED AS TO FORM: Andrew Martin  
City Attorney

## Agenda Voting Results

**Name:** 61.

**Date:** 12/17/04

**Time:** 12:05:14 AM

**Vote Type:** Multiple selection

**Description:** An Ordinance amending Ordinance No. 98203 and Section 21-22 of the City Code regulating Adult Arcades; specifying individuals responsible for complying with the provisions of the ordinance; and providing for a penalty for violation hereof in the amount of not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00). [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2	Not present			
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		